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Respectfully submitted,

By: Thomas L. Evans
Thomas L. Evans, PTO Reg. No. 35,805
BANNER AND WITCOFF, LTD.

Atty. Docket No.
005156.00003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Eric J HAYES ET AL.

Examiner: G. Cunningham

U.S. Pat. App. No.: 09/625,275

Group Art Unit: 2672

Filed: July 25, 2000

For: METHOD FOR EXAMINING FONT FILES FOR CORRUPTION

RESPONSE TO RESTRICTION REQUIREMENT

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Commissioner for Patents
P.O. Box 1450,
Alexandria, Virginia 22313-1450

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Sir:

In response to the Restriction Requirement dated February 20, 2004, Applicants

respectfully elect to prosecute claims 1-4, 6-11, 13-15 and 38.

Applicant respectfully traverses this restriction requirement. The MPEP directs that:

If the search and examination of an entire application can be made without *serious* burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (See MPEP §803, *emphasis added*).

It is respectfully submitted that the examination of claims 16-68 do not, in fact, present a serious



U.S. Pat. App. No.: 09/625,275
Atty. Docket No.: 005156.00003

examination burden.¹ Applicant points out that each of claims 16-68 were already examined in the previous Office Action of May 6, 2003.

Moreover, claims 16-29 were presented to recite the subject matter of originally-filed claim 11 in independent form. Claims 30-40 then were presented to recite the subject matter of originally-filed claim 13 in independent form, while claims 41-55 were presented to recite the subject matter of originally-filed claim 14 in independent form. The addition of these claims was expressly encouraged by the Examiner's indication of the allowability of claims 11, 13 and 14 in the Office Action of October 2, 2002. Applicant respectfully submits that it would be fundamentally unjust for the Examiner to encourage the submission of these claims, accept Applicants' fees for the submission of these extra claims, and then subsequently restrict these claims from further consideration.

Applicant respectfully asks that the outstanding Restriction Requirement be withdraw. Favorable action in this regard is respectfully requested.

It is believed that no fees are due for the submission of this Request. If, however, the Commissioner deems that such fees are necessary, or that any other fees are required to maintain the pendency of this application under 37 C.F.R. §1.16 or §1.17, then the Commissioner is

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1. Applicant points out that claim 38 has been categorized by the Examiner in both elected Group I and non-elected Group III.



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authorized to charge such fees to Deposit Account No. 19-0733.

Respectfully submitted,

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